

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Lisa A. Crandall, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice, since June, 2010. I am currently assigned to the Lakeville Resident Agency within the Boston Division. My responsibilities include the investigation of various criminal offenses, including investigation of crimes involving the sexual exploitation of children utilizing computer telecommunications.

2. I am currently participating in an investigation of violations of Title 18, United States Code, Sections 2252 and 2252A, concerning certain activities relating to material involving the sexual exploitation of minors and certain activities relating to material constituting or containing child pornography. These statutes prohibit, among other things, the distribution and possession of visual depictions involving the use of a minor engaging in sexually explicit conduct, and the distribution and possession of child pornography, respectively.

3. This affidavit is submitted in support for a criminal complaint charging Brendan R. Kessler (herein after "Kessler"), dob xx/xx/1989, of Plymouth, MA with distributing and attempting to distribute child pornography in violation of 18 U.S.C.

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§2252A(a) (2), and possession of child pornography in violation of 18 U.S.C. §2252A(a) (5).

4. The statements contained in this affidavit are based upon my personal observations, training and experience, and review of relevant records related to this investigation, as well as information provided to me by other law enforcement officers involved in this investigation.

5. This affidavit is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint and arrest warrant. In submitting this affidavit, I have not included each and every fact known to me concerning this investigation. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

#### INVESTIGATION

6. On May 16, 2014 an FBI Special Agent acting in an undercover capacity (the "UC") connected to the Internet and launched the peer-to-peer ("P2P") file sharing software program Limewire. In general, P2P software allows a user to set up files on a computer to be shared with other users running compatible P2P software. A user obtains files by opening P2P software on a computer and conducting a search for files that are available to be shared via the network. The download of a file is achieved through a direct connection between the

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computer requesting the file and the computer containing the file.

7. After launching the P2P program Limewire, the UC conducted a keyword search for files using a search term known to yield child pornography results. The UC viewed the results of the search and observed a list of approximately 87 video files, available from IP address [REDACTED], which displayed several files with filenames consistent with child pornography.

8. The following is a sample of the files of investigative interest for the UC's May 16, 2014 download from IP address [REDACTED]:

- a. !!!New!!! (pthc) stephy (cute 12yo bj)- sound (1).avi : This 33 second video depicts the naked body of an adult male, waist down, lying on a bed and a minor female, topless, approximately ten to fourteen years old, performing oral sex on the adult male. Still images from this video are provided for the Court's review, marked as Images 8A1 and 8A2.
- b. Kylie freeman (Vicky)- (pthc) Vicky 9yo : This 5 minute and 15 second video depicts a minor female, approximately eight to twelve years old, performing oral sex on an adult male. The adult male is lying on a bed, naked, with his genitalia exposed. The minor female is naked with the exception of black socks. The minor female is initially located on the floor, in between the adult male's legs, and later is instructed to join the adult male on the bed while continuing to perform oral sex on him. Throughout the video music plays in the background and the adult male occasionally asks the minor female questions about his genitalia. Still images from this video are provided for the Court's review, marked as Images 8B1 and 7B2.

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- c. ((hussyfan))pthc nady03 cute girl 10y (oral kiddy pedo) 8.00.avi : This eight minute, eleven second video depicts a naked minor female, approximately eight to twelve years old, performing oral sex on a naked adult male. Still images from this video are provided for the Court's review, marked as Images 8C1 and 8C2.
- d. !!!new!!! (pthc) stephy\_2 (cute 12yo bj) - sound.avi: This twenty second video depicts a minor female, approximately ten to fourteen years old, naked with the exception of sandals, standing in a wooded area. After being instructed with the word "Okay," the minor female says, "I wish you were here, this is for you," and performs oral sex on an adult male standing in front of her. She then says, "Bye." Still images from this video are provided for the Court's review, marked as Images 8D1 and 8D2.

IDENTIFICATION OF BRENDAN R. KESSLER

9. Law enforcement conducted an Internet search on the origin of the IP address [REDACTED] and found it to be issued to the internet provider Comcast Communications. Records produced by Comcast Communications indicate that the following subscriber had been assigned the IP address [REDACTED] on May 16, 2014:

Customer Name:	[REDACTED]
Service Address:	[REDACTED] Plymouth, MA
Telephone Number:	[REDACTED]
Account Status:	[REDACTED]
Email User Ids:	[REDACTED]

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10. A check of the publicly available databases shows that [REDACTED] Brendan R. Kessler, and [REDACTED] currently reside at [REDACTED] Plymouth, MA.

11. A check of the Massachusetts Registry of Motor Vehicle's records listed the subject premises as the residential address of [REDACTED] Brendan R. Kessler, and [REDACTED] [REDACTED] and that each of them as motor vehicles registered to them at the subject residence.

12. A check of the Town of Plymouth's Assessors records listed the subject premise as being owned by [REDACTED]

[REDACTED].

13. On July 10, 2014, I conducted a survey for open Wireless Fidelity (WIFI) Access Points in the vicinity of [REDACTED] [REDACTED] Plymouth, Massachusetts. The purpose of this survey was to determine whether unsecured wireless access points were present in the vicinity of the subject residence. At the time of the survey, there were seven wireless access points. Six of the wireless access points were encrypted and one of the wireless access points was identified as being a hotspot accessible to Comcast Xfinity Wi-Fi Customers.

14. On July 23, 2014, I conducted a physical surveillance in the vicinity of [REDACTED] Plymouth, MA. I observed that the address is a one family log home style

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building. It is brown in color with a covered front porch on the left hand side of the residence and a single white garage door on the right hand side of the residence. The residence is accessed from a dirt driveway off of [REDACTED] A mailbox numbered [REDACTED] identifies the driveway.

15. On August 25, 2014, the Court authorized a search warrant for [REDACTED] Plymouth, MA, [REDACTED]). The search warrant was executed on September 2, 2014.

16. On September 2, 2014, during the execution of the search warrant, numerous digital devices were seized pursuant to the warrant including computer, hard drives, and other media storage devices. All the above devices were seized in a bedroom which was designated as belonging to Kessler. During the course of the search warrant, law enforcement conducted an initial on-sight preview of some of the digital media mentioned above. The preliminary review has uncovered numerous images and videos of children being sexually exploited.

17. After being advised of his rights, Kessler consented to be interviewed and stated to me that the HP laptop and the thumb drives were his property which he had purchased new. Kessler stated that one of the two thumb drives that were plugged into the laptop "might be the one you [FBI] are looking for."

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18. The video mentioned in Paragraph 8 has been recovered on a SanDisk USB Flash Drive located inside the subject's residence. SanDisk is headquartered in Milpitas, California, US. The company has manufacturing facilities in China and Japan. It also has sales, operations, research and development, and administration in the US, China, France, Germany, India, Ireland, Israel, Japan, Korea, Russia, Scotland, Singapore, Spain, Sweden, Taiwan, and the United Arab Emirates.

19. Additionally located on the SanDisk USB Flash Drive are numerous video files containing children being sexually exploited.

20. During the execution of the search warrant agents observed, 3 handguns, 3 shotguns, 8 rifles, numerous rounds of various caliber ammunition, multiple boxes of fireworks, detonator cords, remote firing switches, 2 remote wireless firing systems, a hand-written journal titled "Mass Murder Book," which contains detailed entries describing steps to be taken in an assault, and a hand-written sheet of lined paper with lists of chemicals needed to create an energetic powder.

#### CONCLUSION

21. Based on the information described above there is probable cause to believe that on or about September 2, 2014, Brendan R. Kessler, knowingly distributed and attempted to

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distribute child pornography, as defined in 18 U.S.C. §2256(8), that had been mailed, and using any means and facility of interstate and foreign commerce by any means, including by computer, in violation of 18 U.S.C. §2252A(a)(2).

22. Based on the information described above, there is also probable cause to believe that on or about September 2, 2014, Brendan R. Kessler did knowingly possess one and more books, magazines, periodicals, films, video tapes, and other matters, which contained a visual depiction that had been mailed, and had been shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which was produced using materials which had been mailed, and so shipped and transported, by any means including by computer, where the production of such visual depictions involved the use of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. 2256(2)(A), all in violation of 18 U.S.C. §2252A(a)(5).



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Lisa A. Crandall  
Special Agent  
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me on September 2, 2014.



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HONORABLE JUDITH G. DEIN  
UNITED STATES MAGISTRATE JUDGE

I have reviewed the images referenced in paragraph 8 above, and found probable cause to believe they depict minors engaging in sexually explicit conduct. The United States Attorney's Office shall continue to preserve the image files and screen capture images provided to the Court, for the duration of the pendency of this matter, including any relevant appeal process.



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JUDITH G. DEIN  
UNITED STATES MAGISTRATE JUDGE